

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

GENE ANTHONY BERNARD,)	CIVIL NO. 1:23-CV-00091-EPG
Plaintiff,)	
v.)	STIPULATION TO VOLUNTARY
KILOLO KIJAKAZI,)	REMAND PURSUANT TO SENTENCE
Commissioner of Social Security,)	FOUR OF 42 U.S.C. § 405(g) AND TO
Defendant)	ENTRY OF JUDGMENT; ORDER
)	(ECF No. 19)
)	
)	

IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

Upon remand, the Appeals Council will remand the case to an Administrative Law Judge (ALJ) for a new decision, and instruct the ALJ to re-evaluate the evidence of record. The parties further request that the Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Commissioner.

This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

1 Dated: October 18, 2023

/s/ Jonathan Omar Pena *

Jonathan Omar Pena

Attorney for Plaintiff

*Authorized via e-mail on October 18, 2023

PHILLIP A. TALBERT

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7 By: /s/ Zachary Berkoff-Cane

ZACHARY BERKOFF-CANE

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

Based upon the parties' Stipulation to Voluntary Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (ECF No. 19), and for cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g). The Clerk of the Court is respectfully directed to enter a judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED.

Dated: **October 23, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE